IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 31ST AUGUST 2007 / 9TH BHADRA 1929

Bail Appl..No. 5372 of 2007

(C.C.NO.484/06 OF JFCM, TIRUR IN CRIME NO.74/03 OF KUTTIPPURAM POLICE STATION)

PETITIONER/ACCUSED:

MOHAMMED ALI @ BAVA, S/O. MOHAMMED HAJI, KOZHAMPURATH HOUSE, KATTIPARUTHI, P.O.VALANCHERY, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, KUTTIPURAM, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A.NO. 5372 OF 2007

Dated this the 31st day of August, 2007

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure filed by the accused in C.C.No.484 of 2006 before the Judicial First Class Magistrate Court, Tirur.

2. The offence alleged against the petitioner is under Section 379 of the Indian Penal Code. The car belonging to the defacto complainant was stolen and the allegation is that the petitioner is also involved in the theft.

3. It is stated in the bail application that the case against the other accused was tried and the other accused persons were acquitted. The petitioner was not available and the case against him was split up and is refiled as C.C.No.484/2006. The petitioner states that he is working abroad and no summons were received by him. Now warrant is pending against the petitioner.

4. In the facts and circumstances of the case, I am

not inclined to grant anticipatory bail to the petitioner.

5. The petitioner may surrender before the Magistrate and move for recalling the warrant and for grant of bail. If necessary application in that regard is made within a period of two weeks from today, the learned Magistrate shall make every endeavour to dispose of the application on the date on which the application is moved. The petitioner shall give prior notice to the Assistant Public Prosecutor concerned in the matter of the application to be moved.

The Bail Application is disposed of as above.

K.T.SANKARAN,
Judge

Mbs/

K.T. SANKAR**AN, J**

B.A. NO. OF 2007

O R D E R

DATED:31-08-2007